

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Accounting of Disclosures Outside CIA

FROM:

EXTENSION

NO.

George Darnell, FOIA/ODP
2D00 HQS

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. A/EO/DDA
BX-4

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STAT

3 June 1981

SUBJECT: Accounting of Disclosures of Records Made to Persons
or Entities Outside the Central Intelligence Agency
(CIA)

REFERENCE: Memo fm OGC dtd 26 May 81, same subject (OGC 81-04296)

1. The Office of Data Processing (ODP) maintains five systems of records subject to the Privacy Act and reported in the Federal Register. Contractual relationships with hardware and software vendors providing services to CIA make it necessary for us to disclose information contained in these systems to contractors' representatives. ODP does not currently keep any purposeful or complete accounting of these disclosures. To do so would entail an unwarranted burden in carrying out legitimate administrative correspondence with contractors for the reasons stated below.

2. ODP makes no disclosures outside of CIA from two of its Privacy Systems, the ODP Training Records System and ODP's Computer Access Files. The first of these systems is used to keep track of the Agency-sponsored training completed by ODP employees. It is a computerized ready-reference data base used for local administrative functions in ODP. No disclosures outside of CIA are necessary or proper because the Office of Training and Education maintains the official record for each employee.

3. The second system, the Computer Access File, records the User Identification (USERID) and Password of every person who has access to an ODP computer through a terminal. This information is used for CIA internal security management and is therefore not disclosed outside CIA.

4. Information concerning employees who are working or plan to work for a contractor, e.g., IBM, TRW, CSC, etc. on an ODP contract, is maintained in the three remaining Privacy Systems. The first of these, the Applications Tracking System, keeps track of, among other things, the hours expended by staff or contractor employees on an ODP project. This data base is used as an authority file for charging ODP customers through a Project Activity Report (PAR) for the man-hours expended on an ODP project done for them. It is also used to verify the invoices of contractors for billed man-hours. This verification frequently requires a Contracting Officer's Technical Representative (COTR) to discuss with a Contractor's Representative the contents of this system of records regarding the hours reported by a contractor's employee. Because there are several COTR's in ODP with authorized access to the system, no accounting is kept of such disclosures.

To do so would require a single point of contact who would record each disclosure in a manual or computer-based log. This would not be impossible, but it seems hardly warranted by the type of disclosure concerned.

5. The second file from which disclosures are made to contractors, again by COTR's and also by ODP's Security Officer and Assistant, is ODP's Security Clearance Records. This file keeps track of the security clearances and compartmented accesses requested, in process, or granted to contractor employees. Frequent dialogue occurs between ODP employees and contractors' representatives about the status of clearances requested for contractors' employees. Again, no accounting is kept of these discussions. To gain the control necessary to do so would require that the Security Officer be the single person authorized to discuss clearances with contractors. Such a bottleneck would hamper relations with contractors.

6. The third ODP file from which disclosures are made to contractors, usually only by the Security Officer or Assistant, is ODP's Computer Room Access File. This file keeps track of which employees, Agency and contractor, have been authorized to enter ODP computer rooms. This information is used to request Special Badge Indicators from the Office of Security and to provide the computer centers with a list of authorized personnel. Contractors occasionally want to know whether one of their employees has access to a particular computer center. (This is true especially of computer maintenance personnel.) ODP has not placed any restrictions on who in ODP can provide a contractor with this information. Such restriction would be prerequisite to establishing an accurate accounting of this type of disclosure.

7. Without a clear definition of what constitutes a disclosure, ODP would find it difficult to decide what should be accounted for. ODP has taken the view that the information being discussed (disclosed) with contractors in the situations described above is necessary to the proper conduct of contractual business and therefore not subject to the accounting provisions of the Privacy Act. ODP's line of reasoning has been that the contractor, through a contractual relationship with CIA, becomes an extension of the Agency. Therefore, routine disclosures to contractor employees do not require accounting under the Privacy Act.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

STAFF

FROM:

Deputy Director of Finance
1212 Key Bldg.

EXTENSION

NO.

81-1136/5

DATE

2 June 1981

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Director for
Administration
7D24

Attached per your request is a
blind memo representing OF
response to OGC Memo 81-04296
dated 26 May 1981

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2 JUN
1981

SUBJECT: Accounting of Disclosures of Records made to Persons or
Entities Outside CIA

REFERENCE: OGC 81-04296, dated 26 May 1981

STAT 1. The Office of Finance maintains only informal temporary accountings of disclosures of formal requests submitted to the Agency pursuant to E.O. 11652, the FOIA, and the PA, since [] paragraph 7c designated IPS (now IPD) as the component of record for these requests.

2. In addition to the formal requests for disclosure under the acts noted, Office of Finance routinely discloses information outside CIA on employees, former employees, and other individuals in a number of ways:

a. Annual submission to Internal Revenue Service (both Federal and State) on wages paid and taxes withheld. (Withholdings are based on W-4 signed by employee and employee is provided copies of W-2.)

b. Register of Separation and Transfers - Standard Form 2807 and Individual Retirement Record - Standard Form 2806: (Forms used to transfer retirement credits to the Civil Service Retirement System when an employee resigns from the Agency or retires under CS. See Attachment 1 for sample.)

c. Request for Wage and Separation Information: (Form used by State unemployment offices to verify claimants record of employment. PA release authorization signed by claimant usually accompanies this form. See Attachment 2 for sample.)

d. Request for Information from Employer - Form 3242 (Form used by IRS to locate persons. Employee not aware of this request and/or disclosure. See Attachment 3 for sample.)

e. Request for Recovery of Debt Due the United States - Form 2805 (Form used to collect indebtedness of former employees. Employees consent is not required. See Attachment 4 for sample.)

3. The above types of routine disclosures are intended to be representative and do not include all made by Office of Finance to outside agencies. We occasionally have court actions (Notice of Levy on Wages, Salary, or Other Income), requests from Social Security Administration on eligibility for social security and other such official inquiries that result in disclosure of information.

Our disclosures for the most part follow the requirements established by the Federal Personnel Manual, Department of Labor, Justice, or other federal entities.

4. Records of disclosures vary. Copies of W-2's are kept in a central file for three years. A computer printout is also available. Form 2807's are maintained in a central file as are requests from State unemployment offices and Form 3242's and Form 2805's. Copies are not filed in the employees payroll file because of the extra volume of work and paper that would be generated. We believe that each of the forms sent out of this office accurately records (1) the date, nature, and purpose of such disclosure and (2) the name and address of each person or entity to whom such a disclosure is made.

5. On the question of accounting for disclosures, we do not believe that an automated system would be worth the cost involved to establish and maintain. Given enough time, I believe we can account within reason for disclosures on any one individual in keeping with the spirit of the law.

Subchapter S23. Register of Separations and Transfers (SF 2807)

S23-1. PURPOSE

a. Use by Commission. Standard Form 2807, Register of Separations and Transfers, serves to authenticate the Standard Forms 2806, Individual Retirement Record, summarized therein and attached thereto for transmittal to the Commission. Together with other fiscal and accounting data available to the Commission, the Standard Form 2807 is an essential document controlling retirement moneys.

b. Use by agency. (1) A copy of Standard Form 2807 is the document used by an agency to retain summarized fiscal data when, upon separation of an employee, the Standard Form (or Forms) 2806 is released to the Commission or, upon intra-agency transfer, to another reporting office in the same agency. The current year and accumulative total retirement deductions on Standard Form 2807, in turn, become part of the basis upon which the agency or reporting office prepares its annual summary of retirement fund transactions, which is required as explained in subchapter S25.

(2) It is preferable that as many individual records as possible be summarized on one Standard Form 2807. However, release of one Standard Form 2806 or of a few is not delayed awaiting other separations or transfers, nor is a group of individual records delayed because of inability to complete and transmit one or more records.

S23-2. PREPARATION AND MAINTENANCE

a. Preparation and number of copies. Standard Form 2807 is prepared as shown in appendix A. If maintenance of Standard Form 2806 is centralized, Standard Form 2807 is

prepared in duplicate. If maintenance is decentralized, Standard Form 2807 is prepared in triplicate.

b. Maintenance and series designations. Two series of Standard Form 2807 are maintained by reporting offices in agencies which keep Standard Form 2806 on a decentralized basis—one series, denoted "CSC" to cover Form 2806 released to the Commission when an employee is separated, and the other series, denoted "IA" to cover forms 2806 released when employees move to another office in the same agency. Agencies which maintain records centrally and have only one reporting office need only the CSC series.

c. Sequence numbers. Each Standard Form 2807, at the time it is released, is assigned the next consecutive number in its series. The assigned number is preceded by the number of the current calendar year, e.g., CSC 78-1, CSC 78-2. On the first business day of each calendar year, a new sequence of numbers, beginning with 1, will be started for both the CSC and IA series. The current calendar year series is discontinued at the close of business December 31. The calendar year in which the Standard Form 2807 is released will determine the calendar year number used on the Standard Form 2807, regardless of the date of separation, except for those Standard Forms 2807 necessary to correct errors made on Standard Forms 2806 released and discovered before the preparation of Standard Form 2807-2, Annual Summary of Retirement Fund Transactions.

S23-3. DISPOSITION

a. Accompanies Standard Form 2806 or 2806-1. Every Standard Form 2806, or Stand-

ard Form 2806-1 (Notice of Correction of Individual Retirement Record) which corrects fiscal (not service history) data, released by an agency or reporting office is listed on and accompanied by a Standard Form 2807. Neither document is accepted by the Commission without the other nor should the gaining office, in the case of an intraagency transfer, accept one document without the other.

b. Use of copies. Agencies which keep centralized retirement records retain the duplicate SF 2807. In agencies which have decentral-

ized retirement recordkeeping, the reporting offices forward the duplicate to the agency retirement officer (or other central reporting point designated) and retain the triplicate. The retained copies are used as a medium of posting to the retirement control accounts, and also in preparing the annual summary of retirement fund transactions. In decentralized agencies, the duplicate in possession of the retirement officer is used to reconcile the annual summaries submitted by the reporting offices.

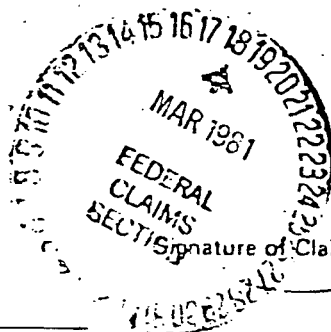
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RELEASE AUTHORIZATION

I agree to any request by the State agency, from which I have claimed unemployment compensation, for information from my former Federal employing agency or from military authorities, which is required by law in connection with my claim for unemployment compensation. I consent to the furnishing of the requested information by such agency irrespective of whether the Privacy Act of 1974 (5 U.S.C. 552a) would preclude the release of the information without my consent.



Date

3/6/81

Social Security Number

RA-1 (R. 5-76)

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Subchapter S19. Loans, Indebtedness, and Setoffs

S19-1. LOANS AND PRIVATE INDEBTEDNESS

An employee or annuitant may not borrow from the fund or assign money credited to his or her account as security for a loan or for any other purpose. Lump-sum credit or annuity is generally not subject to execution, levy, attachment, garnishment or other legal process, except under certain conditions involving nonpayment of child support and alimony. The Commission is not authorized to induce an annuitant to satisfy a claim of a private creditor, or to arrange for the collection of a private indebtedness from annuity payments.

S19-2. INDEBTEDNESS TO THE UNITED STATES

a. When setoff may be requested. Money payable from the Fund may be set off to effect recovery of any valid debt to the United States →if all of the following conditions are met.

- (1) The employee has been separated.
- (2) The debt amounts to \$25 or more.
- (3) The creditor agency has exhausted all other means of recovery. (When a person is indebted to his or her employing agency, the debt should be recovered from the final salary check and/or terminal leave payment, if any. If a person is indebted to an agency other than the one in which he or she is employed, arrangements should be made with the employing agency to recover the debt from any salary payments as they become due.)

(4) The creditor agency has given the employee an opportunity to request reconsideration of the collection, including waiver and/or compromise, as applicable.

Reconsideration involves the process of—

(a) reviewing the correctness of the amount charged against the debtor's funds and the existence of an indebtedness;

(b) making a determination whether he or she is entitled to any relief (e.g. waiver) under applicable laws and regulations; and

(c) negotiating with the debtor—

- (i) to make any reduction in the amount of the indebtedness to which he or she may be entitled, or
- (ii) the amount of the installment, for annuitants whose monthly benefit must be reduced.←

b. Overpayments which are not recoverable.

Unliquidated unearned (advanced) annual and sick leave does not constitute a valid indebtedness when the employee is separated by death or retirement for disability, or when the employee is unable to return to duty because of disability evidenced by an acceptable medical certificate. Also, no recovery need be made for illegal payment of dual pay which has not been reported to the General Accounting Office for collection within six years from the last date of any period involved.

S19-3. AVAILABILITY OF FUNDS FOR SETOFF

Money payable from the fund may be available for setoff as follows:

(1) Any annuity payment due the former employee is available. The debt of a deceased employee may not be recovered from annuity payable to a spouse or children.

(2) If the former employee has less than five years of civilian service his or her lump-sum credit is available.

(3) If the former employee has more than five years of civilian service, the lump-sum credit is available if and when he or she applies for refund. If he or she does not apply for refund, the annuity payments are available when he or she establishes eligibility for annuity.

(4) Upon the death of an employee or former employee, the lump-sum credit is available for setoff.

S19-4. SETOFF PROCEDURE

The following procedure must be observed in requesting setoff of money payable from the fund:

(1) Request for Recovery of Debt Due the United States, Standard Form 2805, must be submitted in duplicate to the Commission by the agency requesting setoff →together with form BRI 49-413A, Recertification of Request for Recovery of Debt Due the United States. Where a debt has been pursued to judgment, the Commission will honor an agency's request without form BRI 49-413A, but a copy of the court order should be attached to the SF 2805.

The Commission is aware that agencies will not be able to obtain the debtor's consent to the collection in every case; therefore, Government claims will be honored upon receipt of the agency's recertification. The individual's consent is not a requirement; however, where the reconsideration process has resulted in a compromise which specifies recovery of less than the total debt, or in the case of an annuitant, a specific monthly installment is agreed upon, agencies should obtain the debtor's consent to the agreement and submit a copy to the Commission.←

(2) If the debtor is an employee of the agency, Standard Form 2805 →and form BRI 49-413A← should be forwarded to the Commission when the employee is separated. Preferably, the request for setoff should be made when the Individual Retirement Record, Standard Form 2806, is forwarded; however, the retirement record should not be withheld pending submission of a request for setoff. →If a debt exists and the individual's SF 2806 is submitted without the SF 2805 and BRI 49-413A, a notation should be made either in column 8 (REMARKS) under FISCAL RECORD or on an attachment to the SF 2806 indicating a debt is in existence and the amount, if known. In such cases, agencies will be allowed 60 days to submit the SF 2805 and BRI 49-413A. Where the in-

dividual is entitled to a lump sum and the indebtedness is being litigated, the Commission will hold the disputed amount until the outcome is decided.← If the debtor is eligible for annuity and if the amount of indebtedness is greater than the monthly annuity, →the Commission has determined, as a matter of policy, that debts and overpayments will be recovered from the civil service annuitant in installments of no more than 25 percent of the annuitant's monthly benefit if the recovery can be made in 36 installments. With the annuitant's consent, a higher percentage of the monthly benefit will be taken, if necessary, to liquidate the indebtedness in 36 installments or less. Where the total debt is very large as compared with the total monthly annuity, or in cases of severe financial hardship, a longer period will be taken to recover the entire debt.

Agencies seeking recovery against an annuitant should, therefore, specify the amount of the installment unless they are willing to accept the rate established by the Commission. In situations where there has been no agreement between the debtor and the agency, if the annuitant complains about the amount of the installment withheld, collection will be suspended, and he or she will be referred to the requesting agency to come to an agreement on the installment to be collected. When a copy of the resulting agreement is submitted to the Commission, recovery will be resumed.←

(3) If the debtor is currently an employee of an agency other than the creditor agency, a statement must accompany the Standard Form 2805, showing in detail what attempts have been made to collect the debt through the employing agency.

(4) When a claim is filed for recovery of a pay overpayment, regardless of the reason for the overpayment, the amount of indebtedness to be reported on Standard Form 2805 is the unliquidated balance of the gross pay overpayment, including any withholding tax, re-

irement, deductions, and other deductions as applicable.

(5) An SF 2805 filed with the Commission remains valid and in effect until the amount available from the Fund has been fully recovered, or until the Commission is notified by the agency requesting setoff that the indebtedness no longer exists. Therefore, if an indebtedness for which an SF 2805 has been filed becomes completely or partially liquidated in some way other than by setoff from the Fund, the Commission should be notified. Failure to notify the Commission when an indebtedness has been liquidated or reduced may result in a setoff from the Fund for an indebtedness that no longer exists and will require adjustment by the agency.

S19-5. COMMISSION ACTION ON SETOFF CLAIMS

a. Acknowledgment and payment. The Commission uses the duplicate copy of Standard Form 2805 to acknowledge receipt of the claim and to advise the agency whether funds are available for setoff. When, and to the extent that funds are available, the Commission makes the setoff, and a check covering the amount involved, with sufficient information thereon to enable the agency to apply the proceeds properly, is forwarded to the agency at the address indicated on Standard Form 2805.

b. Employee protests and appeals. The Commission does not review either the validity or the amount of an indebtedness certified by the reporting agency.